

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 vs.

8 NIKOLAS DELAROSA and GERARDO  
9 MORENO,

10 Defendants.

2:17-cr-00169-KJD-VCF

**ORDER**

MOTION TO COMPEL [ECF No. 97], MOTION FOR  
JOINDER [ECF No. 100], MOTION TO WITHDRAW  
[ECF No. 103]

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12 Before the Court are Defendant Nikolas Delarosa's Motion to Compel Production of Discovery  
13 (ECF No. 97) and Motion to Withdraw Motion to Compel Production of Discovery (ECF No. 103) and  
14 Defendant Gerardo Moreno's Motion for Joinder to Motion to Compel Production of Discovery (ECF No.  
15 100). For the reasons discussed below, the motion to withdraw is granted and the motion to compel and  
16 joinder are denied as moot.

17 On July 9, 2018, Delarosa filed a motion to compel discovery. (ECF No. 97). On July 24, 2018,  
18 Moreno filed a motion to join the motion to compel. (ECF No. 100). On July 30, 2018, Delarosa filed a  
19 motion to withdraw the motion to compel because an offer from the Government would "likely resolve  
20 Mr. Delarosa's pending case and prevent trial, thereby negating the need for further trial discovery." (ECF  
21 No. 103). The time to file a response to the motion to withdraw has passed, and no party filed an  
22 opposition.

23 "The failure of an opposing party to include points and authorities in response to any motion  
24 constitutes a consent to granting the motion." LCR 47-3. Because no party file an opposition to the motion  
25 to withdraw the motion to compel, all parties have consented to the withdrawal of the motion. Therefore,

1 Delarosa's motion to withdraw his motion to compel will be granted. The motion to compel and the  
2 motion to join the motion to compel are denied as moot.

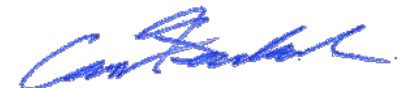
3 ACCORDINGLY, and for good cause shown,

4 IT IS HEREBY ORDERED that Defendant Nikolas Delarosa's Motion to Withdraw Motion to  
5 Compel Production of Discovery (ECF No. 103) is GRANTED.

6 IT IS ALSO ORDERED that Defendant Nikolas Delarosa's Motion to Compel Production of  
7 Discovery (ECF No. 97) is DENIED as moot.

8 IT IS ALSO ORDERED that Defendant Gerardo Moreno's Motion for Joinder to Motion to  
9 Compel Production of Discovery (ECF No. 100) is DENIED as moot.

10 DATED this 14th day of August, 2018.

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12 CAM FERENBACH  
13 UNITED STATES MAGISTRATE JUDGE  
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